

TOWNSHIP OF WALL
ORDINANCE NO. 44-1991

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL PERTAINING TO THE PAYMENT OF TAXES, ASSESSMENTS AND OTHER MUNICIPAL LIENS AS A CONDITION TO THE PAYMENT OF FIRE INSURANCE CLAIMS BY INSURERS.

WHEREAS, N.J.S.A. 17:36-8 et. seq., provides that a Municipality may enact an Ordinance which prohibits the release of certain fire insurance proceeds on real property if municipal taxes, assessments, and liens are unpaid; and

WHEREAS, pursuant to the aforesaid statute, such an Ordinance may also provide that the release of such fire insurance proceeds shall be prohibited if it is determined that demolition is required and the costs thereof have not been paid; and

WHEREAS, the Township Committee finds that it is necessary and appropriate, and in the interest of all residents and taxpayers of the Township, that such an Ordinance be enacted so as to provide a further mechanism to insure that real property taxes are collected in a timely fashion;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Wall, in the County of Monmouth, and State of New Jersey, as follows:

Section 1. Chapter III, "Regulatory Ordinances", of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further

amended and supplemented by the addition thereto of the following Section:

"3-19 PAYMENT OF MUNICIPAL LIENS BY COMPANIES
ISSUING FIRE INSURANCE POLICIES.

3-19.1 Certain Fire Insurance Claim Payments Prohibited.

No insurer issuing fire insurance policies in the Township shall pay any claim for fire damages in excess of \$2,500.00 on any real property located within the Township, unless it is in receipt of an official certificate of search for municipal liens issued by the Township, pursuant to N.J.S.A. 54:5-12, which certificate certifies that all taxes, assessments, and other municipal liens or charges, levied and assessed, and due and payable against the property have been paid.

3-19.2 Demolition Costs to be Paid.

No insurer issuing fire insurance policies in the Township's shall pay any claims for fire damages in excess of \$2,500.00 on any real property located within the Township, unless it is in receipt of an official certificate, certified by the Construction Official, that no demolition is required as a result of the fire loss or, if demolition is required, that the costs of demolition have been paid. If the demolition has not yet occurred on the date the aforesaid certificate is issued, the certificate shall provide an estimate of the anticipated costs of demolition, which shall be paid to the Township by the insurer, and such money shall be held in an interest bearing escrow account, as provided by N.J.S.A. 17:36-8.

3-19.3 Payment by Insurer.

Except in a case in which a Resolution is adopted by the Township Committee providing for installment payments of taxes, assessments, liens, or demolition costs pursuant to N.J.S.A. 17:36-11, an insurance company writing fire insurance policies in the Township shall pay to the Township, prior to the making of any payment of the claim to the insured person, all taxes, assessments, liens, or related charges as are contained on the official certificate, in the manner provided by N.J.S.A. 17:36-8 et. seq."

Section 2. The Township Clerk be and is hereby authorized and directed, upon the final adoption of this Ordinance, to file a certified copy thereof with the Commissioner of Insurance of the State of New Jersey.

Section 3. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall take effect upon its passage and publication according to the law, and upon the filing of the same with the New Jersey Commissioner of Insurance. .

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on Nov. 26, 1991 and will be further considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on DEC. 11, 1991 at 8 o'clock p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to, and up to and including, the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who shall request the same.

BEATRICE M. GASSNER, C.M.C.
Township Clerk